

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA
Western Division

U.S.A. vs. Alvin Donald Banks

Docket No. 5:06-CR-172-1H

Petition for Action on Supervised Release

COMES NOW Scott Plaster, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Alvin Donald Banks, who, upon an earlier plea of guilty to Possession of a Firearm and Ammunition by a Felon, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable Malcolm J. Howard, Senior U.S. District Judge, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
4. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
5. The defendant shall participate in a gambling treatment program, as directed by the probation office, (if such a program is available.)
6. The defendant shall pay a special assessment in the amount of 100.00 as directed.

On January 12, 2011, the defendant was resentenced following a decision by the Fourth Circuit Court of Appeals. The defendant was sentenced to the Bureau of Prisons for a term of 84 months. It was ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court, the special conditions previously imposed by the court and the following additional special condition:

1. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Alvin Donald Banks was released from custody on September 21, 2012, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On May 9, 2014, the defendant was charged with Driving While License Revoked in Wake County, North Carolina. The defendant failed to report his arrest within 72 hours of having contact with law enforcement. When questioned by the probation officer, the defendant stated he was attempting to help a friend diagnose car problems in order to earn extra cash by making the repairs, and he knowingly drove without a license. The probation officer reviewed alternative thoughts and actions with the defendant in order to help him understand he can still accomplish his goals; however, based upon the defendant's history of driving offenses, there is a need for punishment. Rather than return to court for revocation proceedings, it is recommended the defendant complete 20 hours of community service work. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall perform 20 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.

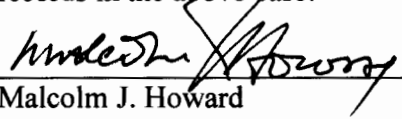
Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,
/s/ Jeffrey L. Keller
Jeffrey L. Keller
Supervising US Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.
/s/ Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue
Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8808
Executed On: June 4, 2014

ORDER OF THE COURT

Considered and ordered the 4th day of June, 2014, and ordered filed and made a part of the records in the above case.


Malcolm J. Howard
Senior U.S. District Judge